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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/164,624	10/01/1998	YOSHIHIRO ISHIDA	35.C-13000	6892

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EXAMINER

YE, LIN

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/164,624

Applicant(s)

ISHIDA ET AL.

Examiner

Lin Ye

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 7/28/03.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 24-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 7/28/2003 have been fully considered but they are not persuasive as to claims 24-31.

Relative to claims 24 and 31, the Applicants argue Ito reference does not teach the reception unit adapted to receive **information of a size of an object** or a distance to the object is or should be received from an external apparatus via a communication interface. The Examiner disagrees. In Figure 3, the "template" referred to in Ito is image data detected from an input unit (TV camera 1101). However the Applicants should be noted that **the information of a size of an object** (information of a size of "template") is defined/calculated as  $f(x,y)$  in reception unit (image memory 1103) accordance with an external apparatus (program memory 1106) (See Col. 5, lines 60-65 and Col. 6, lines 63-67). Both the reception unit (1103) and external apparatus (1106) communicate to each other through a communication bus data line 1112, so that communication interface included between of them inherently.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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3. Claims 24 and 31 rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

For amended claims 24 and 31 filed on 2/10/03, they raise the issue of new matter, because those claims amended to “...a reception unit adapted to receive information of a **size of an object or a distance to the object**, for detecting a desired object, from an external apparatus...”. However, the applicant’s specification only states the reception unit receive the size of a moving object to be detected from an external apparatus, and it **does not states** the reception unit receive the distance to object from the external apparatus (See Page 20, lines 15-21, Page 21, lines 11-16 and Figure 18).

For art rejection purpose, the examiner only consider the claims have one condition as the reception unit receive information includes a size of an object from an external apparatus.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 24-25, 28-29, 31-32 and 35-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al. U.S. Patent 6,108,033.

Referring to claim 24, Ito reference discloses in Figures 3-4, 8 and 14, an image processing apparatus comprises an input unit (1101) adapted to input image data (See Col. 5, lines 56-59); a template registration step 14 as shown in Figure 4, the information of a size of an object (information of a size of "template") is defined/calculated as  $ft(xy)$  in reception unit (image memory 1103) accordance with an external apparatus (program memory 1106) (See Col 5, lines 60-65 and Col. 6, lines 63-67), so it can be considered as a reception unit (image memory 1103) adapted to receive information a size of an object, for detecting a desired object, from an external apparatus (program memory 1106); a detection unit (CPU 1104) adapted to detect the object corresponding to the information received by said reception unit, from the image data (See Col 6, lines 20-21); and a transmission unit (output I/F 1108) adapted in a case in which said detection unit detects the desired object to transmit information reflecting detection of the desired object to the external apparatus (alarm lamp 1110) (See Col. 16, lines 40-45). All the units and external apparatus communicate to each other through a communication bus data line 1112, so that communication interface included between of them inherently.

Referring to claim 25, Ito reference discloses wherein said input unit (TV camera 1101) comprises an image pickup unit adapted to pick up the object image through an optical system as shown in Figure 15A (See Col. 14, lines 8-12).

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Referring to claim 28, Ito reference discloses wherein said detection unit (CPU 1104) detects the object according to a difference value between pictures (between template image and new image, see Figure 4, steps 14-16).

Referring to claim 29, Ito reference discloses wherein said detection unit (1104) binarizes the difference value by using a predetermined threshold and detects the object according to a binarization result (See Col. 7, lines 64-67).

Referring to claim 31, Ito reference discloses all subject matter as discussed with respected to same comment as with claim 24.

Referring to claim 32, Ito reference discloses all subject matter as discussed with respected to same comment as with claim 25.

Referring to claim 35, Ito reference discloses all subject matter as discussed with respected to same comment as with claim 28.

Referring to claim 36, Ito reference discloses all subject matter as discussed with respected to same comment as with claim 29.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 26, 27, 30, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. U.S. Patent 6,108,033 in view of Salvati U.S. Patent 6,359,644.

Referring to claim 26, the Ito reference discloses all subject matter as discussed with respect to claim 25, but except Ito does not state the TV camera system can use focusing control information to measure the distance from the object to the predetermined position instead of magnification factor.

Salvati reference discloses in Figure 2, a video camera (10) comprises a lens system having selected optical characteristics and a CCD imager. The system includes a microprocessor/CPU that calculates the size of the target object by mathematically manipulating the optical characteristics, the focus data, the zoom data, and pixel data. The exact object distance is determined by feedback from the focus motor and calculating the deviation from zero. (See Col. 5, lines 25-30). This would be an advantage over Ito's TV camera system in that it could achieve to change an object image into a distance image for the purpose of recognizing objects and get more accurate distance result, as taught by Salvati. For that reason, it would have been obvious to one of ordinary skill in the art at the time to see the TV camera can associate the focusing control information for measuring the distance from the detected object to the predetermined position disclosed by Ito.

Referring to claim 27, the Ito reference discloses wherein the image pickup unit (1101) comprises a zoom control unit adapted to control zooming of the optical system, and said detection unit (CPU 1104) detects the object according to zoom control information generated by the zoom control unit (See Col. 14, lines 56-67).

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Referring to claim 30, the Ito reference discloses wherein said image processing apparatus is used in a monitoring camera system (TV camera, See Col. 5, lines 41-50).

Referring to claim 33, Ito reference discloses all subject matter as discussed with respected to same comment as with claim 26.

Referring to claim 34, Ito reference discloses all subject matter as discussed with respected to same comment as with claim 27.

### *Conclusion*

8. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



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- a. Fujioka et al. U.S. 4,908,704 discloses a monitor method and a monitor apparatus capable of readily obtaining data necessary for the generation of an alarm.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lin Ye** whose telephone number is **(703) 305-3250**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


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Lin Ye

September 25, 2003

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600